

Matthew J.M. Prebeg (*pro hac vice*)
Brent T. Caldwell (*pro hac vice*)
CLEARMAN PREBEG LLP
815 Walker, Suite 1040
Houston, Texas 77002
Telephone: (713) 223-7070
Facsimile: (713) 223-7071
mprebeg@clearmanprebeg.com
bcaldwell@clearmanprebeg.com

David A. Makman (S.B.N. 178195)
LAW OFFICES OF DAVID A. MAKMAN
90 New Montgomery St., Suite 600
San Francisco, California 94105
Telephone: (415) 777-8572
Facsimile: (415) 777-8638
david@makmanlaw.com

Attorneys for Plaintiff
WACOH COMPANY

Gianni Cutri (*pro hac vice*)
KIRKLAND & ELLIS LLP
300 North LaSalle
Chicago, IL 60654
Telephone: (312) 862-2000
Facsimile: (312) 862-2200
gianni.cutri@kirkland.com

Amy R. Lemyre (S.B.N. 244543)
KIRKLAND & ELLIS LLP
555 California Avenue
San Francisco, CA 94104
Telephone: (415) 439-1400
Facsimile: (415) 439-1500
amy.lemyre@kirkland.com

Attorneys for Defendant
VTI TECHNOLOGIES, INC.

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION**

WACOH COMPANY,

Plaintiff,

v.

VTI TECHNOLOGIES, INC.

Defendant.

CASE NO. 4:12-cv-04153-PJH

**[PROPOSED] ORDER GRANTING THE
PARTIES' AGREED MOTION TO DISMISS
VTI TECHNOLOGIES, INC.**

Hearing Date and Time: N/A

Courtroom: B – 15th Floor

Judge: U.S. Dist. Judge Phyllis J. Hamilton

Initial Case Management Conference: June 14, 2012

Trial Date: To Be Determined

Jury Trial Demanded

**[PROPOSED] ORDER GRANTING THE PARTIES' AGREED MOTION TO DISMISS
VTI TECHNOLOGIES, INC.**

The Court has reviewed the agreed motion to dismiss filed by Plaintiff Wacoh Company ("Wacoh" or "Plaintiff") and Defendant VTI Technologies, Inc. ("VTI" or "Defendant"), in which the parties notify the Court they have settled and stipulate to the following terms:

1. that Wacoh dismisses with prejudice of all its claims against VTI in this Suit.
2. that VTI dismisses with prejudice of all of its counter-claims against Wacoh in this suit.
3. that Wacoh and VTI shall each bear their own attorney fees and costs incurred in connection with this action.
4. that this Court retains jurisdiction over the parties and the settlement agreement for purposes of resolving any disputes that may arise under it.

Having reviewed the parties' agreed motion to dismiss and the other files and pleadings of record and deeming itself fully advised, the Court HEREBY GRANTS the parties' agreed motion, and ORDERS that this matter is HEREBY DISMISSED, according to the terms of the parties' stipulation set out in their agreed motion to dismiss, as of the date this order is entered.

ENTERED this 25 day of September, 2012.

